**D.B. HABEAS CORPUS WRIT PETITION NO. 1906/2006**
**(Vali Mohammad Vs. State of Rajasthan & Ors.)**

**DATE OF ORDER : 13.04.2006**

**HON'BLE MR. JUSTICE N.N.MATHUR**
**HON'BLE MR. JUSTICE MANAK MOHTA**

Mr. M.R.Singhvi,
Mr. Girish Joshi, for the petitioner.
Mr. S.K.Vyas, Government Advocate.
Mr. Shambhoo Singh for respondents.

By way of instant habeas corpus petition, the petitioner seeks production of his daughter namely Mst. Rukhsana. It is averred that Mst. Rukhsana was married with Mazid Khan on 27.6.2002. After two or three months of the marriage, her husband and in-laws started harassing her for dowry. It appears from the pleadings that Iqbal son of petitioner's brother Yusuf Khan is married to Batun. The relations between Iqbal and Batun are not cordial and that appears to be the root cause of trouble between the parties. The wife of the petitioner namely Khatun also filed an application under Section 97 & 98 Cr.P.C. before the court of Assistant Collector, Balotra. In the said proceedings, Mst. Rukhsana was produced before the Sub Divisional Magistrate. She filed an affidavit stating inter alia that she is living comfortably with her husband. She has made certain allegations against her parents. It is averred that Mst. Rukhsana filed an affidavit before the Sub Divisional Magistrate under the influence of her in-laws and the police.

Be that as it may, pursuant to the order of this Court dated 10.4.2006, Mst. Rukhsana is produced before us today. In the open court, a statement was made by her to the effect that she is comfortably staying with her husband Mazid Khan. The case was taken in chamber. She reiterated the statement given in

the court. She has been given time for reflection. An opportunity has been given to the parents to meet Mst. Rukhsana. In the third round, she has again reiterated her statement to the effect that she is living happily with her husband Mazid Khan. She has absolutely no complainant against her husband and in-laws. We had also interaction with Vali Mohammad and his wife so as her husband Mazid Khan. There appears to be a ring of truth in the statement of Mst. Rukhsana. The allegations made against Mazid Khan of involving in criminal cases has been denied by Mazid Khan. It is not the case of petitioner that Mst. Rukhsana is minor. Thus, admitted fact is she is major.

In view of the aforesaid, nothing survives in the instant habeas corpus petition. Mst. Rukhsana is free to move as per her own wish and desire. She is comfortably staying with her husband Mazid Khan.

Accordingly, the habeas corpus petition stands disposed of.

**(MANAK MOHTA),J.** **(N.N.MATHUR),J.**

**ms rathore**